

## REMARKS

The Office Action of February 24, 2006 has been carefully reviewed and the foregoing amendment has been made in response thereto, thereby defining the present invention more clearly and distinguishing it more positively from the prior art. For these reasons and those set forth in detail below, favorable reconsideration and early allowance of the claims is courteously requested.

The title of the specification is amended. The new title better describes the invention set forth in the amended claims.

Claims 1-10, 17-20, 24-49 are pending in the application. Claims 1-10 and 17-18 are withdrawn from consideration. Claims 14, 16, 19, 20, 22 and 24-47 stand rejected. The application is amended herein to cancel claims 14, 16 and 22. Claims 19, 25-35 and 37-40 are amended herein. New claims 48-49 are added herein.

Claims 14, 16, 19, 20, 22 and 24-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Budolfson (5,192,259) in view of Chiarelli (3704891), Corely (4943055), Mason (6,059,673), Nudo (6846252) and Park et al. (6139438).

Claims 14, 16 and 22 are canceled without prejudice. Claims 19, 25-35 and 37-40 are amended to more clearly and distinctly set forth that which Applicant regards as the invention and to include limitations that are not taught or suggested by any of the prior art of record.

Re: the balls and spherical elements set forth in the pending claims:

Amended claims 19, 20 and 24-27 set forth a hockey handling stick training kit comprising:

- four solid steel balls with each ball having a different weight ranging from 226.8 to 1814.4 grams, (8 to 64 ounces) and with each ball having a different diameter ranging from 38.1 to 76.2 mm, (1.5 to 3.0 inches) and wherein at a first of the four steel balls has a diameter of 50.8 mm (2.0 inches) or less and a weight of 538.65 grams, (19 ounces) or less, and further wherein a second of the four steel ball has a diameter of 63.5 mm, (2.5 inches) or more and a weight of 1077.3 grams (38 ounces) or more.

Amended claims 28-36 and new claim 48 set forth a hockey stick handling training kit comprising:

- a plurality of spherical elements each having a different weight ranging from 226.8 to 1814.4 grams, (8 to 64 ounces), and each having a different diameter ranging from 38.1 to 76.2 mm, (1.5 to 3.0 inches) and wherein a first of the plurality of spherical elements has an approximate diameter of 38.1 mm (1.5 inches) and an approximate weight of 226.8 grams, (8 ounces) and wherein a second of the plurality of spherical elements has a diameter of 63.5 mm, (2.5 inches) or more and a weight of 1077.3 grams (38 ounces) or more;

Amended claims 37 -47 and new claim 49 set forth a hockey stick handling training kit comprising:

- a first spherical element having a diameter of substantially 38.1 mm, (1.5 inches) for contacting a hockey stick blade at nearly the same height above a practice surface as the hockey stick blade contacts a conventional hockey puck and

- wherein the first spherical element has a weight of 170.1 grams, (6 ounces) or more;
- a second spherical element having a weight of 1077.3 mm, (38 ounces) or more usable to force a player to roll the second spherical element by rotating a shaft of the hockey stick about a longitudinal axis thereof for reinforcing a desired stick handling motion.

The hockey stick training kit set forth in the pending claims is specifically usable to train a player to apply a proper motion to the hockey stick for stick handling a hockey puck. The proper motion is to apply a torque to the hockey stick shaft using the upper hand, with the upper hand delivering substantially all of the torque to the stick shaft by a quick and powerful twist of the wrist and forearm, (see substitute specification paragraphs, 13 and 39).

Each of the claims 19, 20, 24-47 and the new claims 47-48 specifically sets forth a first ball or spherical element corresponding with one of the balls C or D listed in Applicant's TABLE 1 on page 16 of the substitute specification. The ball C has a diameter of 2.0 inches and the ball D has a diameter of 1.5 inches. As pointed out in Applicants substitute specification on page 25, line 10, paragraph 37 a 1.5-inch diameter ball most closely matches the stick to ball contact feel of stick handling a conventional hockey puck and it has been found that the 1.5-inch diameter ball is specifically suited for increasing stick handling speed and control. Accordingly the ball D is included in the claimed hockey stick handling training kits to increase stick handling speed and control. As further pointed out in Applicants substitute specification on page 24, line 6, paragraph 36, "if a player can not stick handle with

the larger balls A or B due to insufficient strength or skill, the player may perform sessions using just the lighter balls (C-E).” Accordingly the first ball C or D is included in the claimed hockey stick handling training kits for use by a player with insufficient strength or skill to stick handle the balls A or B.

Each of the claims 19, 20, 24-47 and the new claims 47-48 further specifically sets forth a second ball or spherical element corresponding with one or the balls A or B in Applicants TABLE 1 on page 16 of the substitute specification. The ball A has a diameter of 3.0 inches and a weight of 64 ounces and the ball B has a diameter of 2.5 inches and a weight of 38 ounces. As pointed out in Applicants substitute specification on page 26 at the beginning of paragraph 40, “Developing the proper wrist, hand and forearm motions of the upper hand 650 is the most important aspect of stick handling. Using any lateral motion of the lower hand 625 to deliver a moving force to the practice balls, or to a puck on ice, is to be avoided. This motion is referred to as cheating. Use of the balls A or B substantially prevents the cheating motion. The balls A and B are too heavy to stick handle with the lower hand 625 and offer too much resistance to a sliding motion which occurs during cheating.” Accordingly, the second ball A or B is included in the claimed hockey stick handling training kits to force a player to develop the proper wrist, hand and forearm motions for stick handling.

Re: the practice surface set forth in the pending claims:

Amended claims 20, 24, 25, 29-46 and new claim 47 set forth a practice surface for supporting the balls and spherical elements during stick handling.

Generally, the practice surface is configured with a coefficient of friction selected to prevent sliding and to thereby force a player to roll the balls over the practice surface during training to prevent use of the cheating motion. In addition, the mat or layer used to support the practice surface may be configured to be sufficiently compliant that it is slightly indented by the weight of the balls to thereby increase the roll resistance of the balls over the practice surface. Applicants have found that sliding is prevented when the surface is configured with a coefficient of friction in the range of 0.3-0.9 set forth in amended claims 20 and 35 and that sliding is even further prevented by configuring the practice surface with a coefficient of friction in the range of 0.5-0.9 set forth in claims 24, 34 and 37.

Roll resistance of the balls is increased when the mat material is sufficiently compliant that is slightly indented by a spherical element weighing 64 ounces as is set forth in claims 20, 25, 29-36 and 40.

It is respectfully submitted that with respect to the pending claims listed above, the prior art of record does not establish a *prima facie* case of obviousness for the following reasons. 1. There is no suggestion or motivation in the references of record or in the knowledge generally available to one of ordinary skill in the art to modify the references of record to combine the reference teachings in a way that would lead to Applicants claimed invention. 2. There is no reasonable expectation that combining the reference teachings of record would provide a hockey stick handling training kit for successfully training a hockey player to execute proper stick handling motions. 3. The prior art references of record, whether taken alone or in combination,

do not teach all of the limitations set forth in the pending claims. Support for Applicants' position is stated below.

**Budolsfon** teaches a kit comprising a single steel ball, with a diameter ranging from 2.5-3.0 inches and a weight ranging from 2.5-4.0 pounds, (40-64 ounces). Budolson teaches that the single ball is usable to strengthen the wrists and hands, and usable to concentrate on stick technique. Budolson never teaches or suggests a kit comprising more than one ball as required by each of the pending claims. Moreover, Budolson never teaches or suggests that a kit comprising more than one ball is useful. Budolfson never teaches or suggests a kit that combines a first ball having a diameter of less than 2.0 inches and a weight of less than 19 ounces with a ball second ball having a diameter of 2.5 inches or more and a weight of 38 ounces or more, as required by each of Applicants claims. Moreover, Budolson never teaches or suggests that a hockey stick handling training kit that combines a first ball having a diameter of less than 2.0 inches and weight of less than 19 ounces with a ball second ball having a diameter of 2.5 inches or more and a weight of 38 ounces or more is useful. It is further noted that Budolson never teaches or suggests that a 1.5-inch diameter ball, required by Applicants claims 26-49, most closely matches the stick to ball contact feel of stick handling a conventional hockey puck or that a 1.5-inch diameter ball is suitable for increasing stick handling speed and control.

**Chiarelli** teaches a practice hockey puck formed with a weighted core providing an overall puck weight of more than 5.5-6.0 ounces. Chiarelli teaches that weights of the practice puck may vary according to the individual player's demands, (Col. 2, lines 40-50). However, Chiarelli teaches that the practice puck must be the same size

and shape as an official hockey puck as prescribed by the Canadian Amateur Hockey Association or the National Hockey league, (Col. 2, line 29-42). Chiarellis' practice puck is not spherical, but is instead a substantially cylindrical body having coextensive and even flat top and bottom surfaces and a smooth circumferential surface defining the height and periphery, (Col. 4, lines 62-65). Chiarelli states that a practical weight of the practice hockey puck is about 12 ounces, (Col. 4, line 55).

Chiarelli never teaches or suggests a kit comprising more than one ball as required by each of Applicants claims. Moreover, Chiarelli never teaches or suggest that a kit comprising more than one ball is useful. Moreover, Chiarelli specifically teaches away from using a hockey practice device that is not a standard sized and shaped hockey puck. Specifically, Chiarelli states, "in order that a practice puck be beneficial it must conform to the official size of an ice hockey puck (1 inch thick and 3 inches in diameter) and have the same resiliency as vulcanized rubber to afford the same "feel" on the stick, and must also be somewhat heavier than the standard vulcanized rubber puck," (Col. 1 lines 38-44). Applicants pending claims specifically set forth a hockey training kit that combines two or more balls or spherical elements for hockey training and this is in distinctly different from the teachings of Chiarelli.

**Corley** teaches a set of weighted warm up balls of varying weights so that a person may select a ball most suitable for his or her purposes, (Col. 5, line 56). Corley teaches that each ball comprises a metal core, an outer cover, (baseball, softball or the like), and an intermediate material. Corley teaches that lighter balls in a set of weighted balls can be used to loosen muscles for flexibility and that heavier weighted balls in a set can be used for strengthening muscles. Corley specifically

teaches that other than the weight, the balls are regulation size, material, cut, stitching and feel identical to a regulation ball, (Col. 3, line 46).

Corley never teaches or suggests a hockey stick handling training kit comprising a plurality balls or spherical elements with each ball configured with a different diameter as required by each of the pending claims. Moreover, Corley never teaches or suggest that a kit that combines balls of different diameters would be useful. Corley never teaches or suggests a hockey stick handling training kit of any kind and is completely silent about using different weight balls in combination with a hockey stick. Corley specifically teaches away from using a training ball that does not feel identical to a regulation ball. Applicants pending claims specifically set forth a hockey training kit that combines two or more balls or spherical elements for hockey training and this is in distinctly different from the teachings of Corley. Moreover Applicants two or more balls or spherical elements, (training elements), are distinctly different from a regulation hockey puck.

**Mason** teaches a goalie training system comprising a center goalie zone and a plurality of shooting lanes extending from the goalie zone. The goalie zone comprises a synthetic ice material that allows a goalie to skate upon, (Col. 3, line 61). The shooting lane surfaces are comprised of synthetic ice that allows conventional ices skates to be utilized, (Col. 2, line 2). The shooters utilize conventional hockey pucks, (Col. 4, line 23). Mason never teaches or suggests a kit comprising a plurality of balls of differing diameters and weights as required by each of Applicants claims, and never suggests that such a kit is useful. Mason is completely silent about the coefficient of friction of the practice surface, except to state that the practice surfaces

comprise synthetic ice material. Mason never specifically teaches or suggests a practice surface with a coefficient of friction in the range of 0.3-0.9 as set forth in Applicants claims 20, 24 and 34-47. Mason never teaches or suggests that a practice surface with a coefficient of friction in the range of 0.3-0.9 is useful. Mason never teaches or suggests forming a practice mat or layer to be sufficiently compliant that it is slightly indented by a spherical element weighing 64 ounces, as specifically set forth in Applicants claims 20, 25, 29-36 and 40. Mason never even suggests that forming a compliant mat or layer is useful.

**Nudo** teaches a hockey practice device comprising a body of synthetic plastic such as polyethylene formed with a practice surface that may be shaved or unshaved to provide more friction, (Col 2, lines 22-26). Nudo teaches that a player uses a standard hockey stick and a standard hockey puck or field hockey puck designed for use on synthetic ice, and strikes the puck into a netted frame, (Col. 2, lines 18-22). Nudo teaches a practice device configured to store a plurality of practice pucks. Nudo never teaches or suggests a hockey stick handling training kit comprising a plurality of balls with each ball having a different diameter and a different weight as required by each of Applicants pending claims. Moreover, Nudo never suggests that such a kit is useful. Nudo is completely silent about the coefficient of friction of the practice surface. Nudo never teaches or suggests forming a practice mat or layer to be sufficiently compliant that is slightly indented by a spherical element weighing 64 ounces, as is set forth in Applicants' claims 20, 25, 29-36 and 40, and Nudo never suggest that forming a compliant mat or layer is useful.

**Park et al.** teach an artificial ice-skating rink assembly comprising a plurality of interlocking panels, (abstract). The panels include a practice surface that can be skated on with ice skates and simulates the gliding properties of natural ice, (Col. 12, lines 14-20). Park et al. never teach or suggests a kit comprising a plurality of balls or spherical elements each configured with a different diameter and a different weight as required by each of Applicants pending claims; and Park et al. never suggest that such a kit is useful. Park et al. never teach or suggest a practice surface with a coefficient of friction in the range of 0.3-0.9 as set forth in Applicants claims 20, 24 and 34-47 and Park et al. never suggests that a practice surface having a coefficient of friction in the range of 0.3-0.9 is useful. Park et al. never teach or suggest forming a practice mat or layer to be sufficiently compliant that it is slightly indented by a spherical element weighing 64 ounces as set forth in claims 20, 25, 29-36 and 40 and Park et al. never suggest that forming a compliant mat or layer is useful.

In summary, it is respectfully submitted that the combined teachings of Budolfson, Chiarelli, Corley Mason, Nudo and Park et al. do not teach or suggest all of the limitations set forth in the pending claims. Specifically the prior art of record, whether taken alone or in combination, never teaches or suggests a hockey stick handling training kit comprising a plurality balls or spherical elements with a first ball having a diameter of 2.0 inches or less and a weight of 19 ounces or less and a second ball having a diameter of 2.5 inches or more and a weight of 38 ounces or more each as required by each of the pending claim. Moreover, the prior art of record fails to teach or suggest a hockey stick handling training kit comprising a ball or spherical

element having a diameter of approximately 1.5 inches as is required by pending claims 26-49.

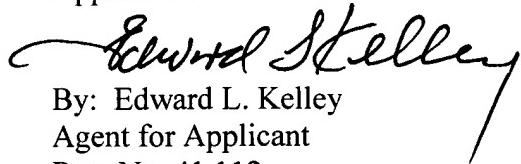
The prior art of record never teaches or suggests a hockey stick training kit comprising a plurality balls or spherical elements with a first ball having a diameter of 2.0 inches or less and a weight of 19 ounces or less and a second ball having a diameter of 2.5 inches or more and a weight or 38 ounces or more in combination with a practice surface having a coefficient of friction in the range of 0.3-0.9 as set forth in Applicants claims 20, 24, 34-35 and 37-47. Moreover, the prior art of record fails to teach or suggest a hockey stick training kit comprising a plurality balls or spherical elements with a first ball having a diameter of 2.0 inches or less and a weight of 19 ounces or less and a second ball having a diameter of 2.5 inches or more and a weight or 38 ounces or more each as required by each of the pending claim in combination with a practice mat or layer formed to be sufficiently compliant that it is slightly indented by a spherical element weighing 64 grams as set forth in Applicants' claims 20, 25, 29-36 and 40.

Applicant respectfully submit the pending claimed combinations, when taken as a whole, would not have been obvious to one of ordinary skill in the art at the time of the invention in view of the prior art of record even in view of the prior art of record in combination with knowledge generally available at the time. Accordingly, it is respectfully submitted that in view of the foregoing amendments the present application is in condition for allowance. Early notice thereof is hereby earnestly requested.

If the Examiner feels that any further discussion of the invention would be helpful, perhaps in the form of an Examiner's Amendment, applicant's representative is available at 781 938-9169 and earnestly solicits such discussion.

Respectively submitted,

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